

Congress of the United States
Washington, DC 20510

November 4, 2022

The Honorable Gene Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Dear Mr. Dodaro:

Every year, the Department of Energy (DOE) oversees investments of billions of federal dollars in research and development to advance the economic, energy, and national security interests of the nation. This work is conducted across DOE research and production facilities and its national laboratory system, which is at the forefront of technology development and maturation, and which spurs innovation and benefits American competitiveness and security. To help ensure that taxpayer-funded technologies developed by DOE can be commercialized to benefit of the nation, the Office of Technology Transitions (OTT) develops and oversees the Department's commercialization programs and engagement with business and industrial sectors across the United States.

While OTT's mission is important, it is also essential that potential technology transfers be scrutinized to ensure that taxpayer-funded technologies are not transferred to foreign companies that will ultimately move jobs overseas and use U.S. technology breakthroughs to compete against U.S. industry. This point is underscored by a recent DOE review of licensing of breakthrough battery technology—developed through taxpayer-funded research at Pacific Northwest National Laboratory and from the state of Washington—following news reporting that the laboratory allowed the technology license to be transferred to a Chinese company.¹ The review found a lack of internal controls and effective management of the licensing at the laboratory. It also identified the need to assess research security and technology transfer policy and oversight across the DOE enterprise to address commercial and security risks.²

To protect U.S. investment in leading technologies and U.S. manufacturing jobs, it is essential to make transparent whether DOE's technology transfer activities are working in the interest of the American people, and not in support of America's adversaries. Accordingly, we

¹ See Courtney Flatt and Laura Sullivan, "The U.S. made a breakthrough battery discovery — then gave the technology to China," *NPR*, August 3, 2022.

² U.S. Department of Energy, "30-Day Review: Summary Report. Licensing of the Pacific Northwest National Laboratory's (PNNL) Vanadium Redox Flow Battery Technology (VRFBT)," October 17, 2022.

write to request that the Government Accountability Office undertake a broad review of DOE's technology transfer and intellectual property protection activities.

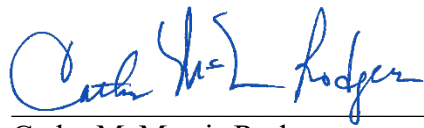
Specifically, we request that GAO evaluate DOE's technology transfer program and its implementation across the DOE enterprise, with specific focus on the controls in place to protect taxpayer-funded technologies from foreign transfer. We believe this is particularly important with respect to technologies that have been identified as critical and emerging.

Further, we request that GAO evaluate the tools available to the government to monitor critical and emerging technologies funded by DOE that have already transferred to U.S. companies to guard against their potential later acquisition by or transfer to foreign companies or countries. A review of this nature should include a full exploration of how DOE enforces the terms of its laboratories' licenses.

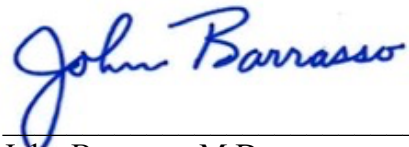
We appreciate your assistance in this DOE management oversight effort, which is important to strengthening U.S. competitiveness by helping to ensure that taxpayer-funded critical and emerging technologies are of maximum benefit to the people who funded their development.

Thank you for your prompt attention to this request.

Sincerely,



Cathy McMorris Rodgers
Ranking Member
U.S. House of Representatives
Committee on Energy and
Commerce



John Barrasso, M.D.
Ranking Member
U.S. Senate
Committee on Energy and
Natural Resources